SIGNED.

Dated: September 23, 2011

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James M. Marlar, Chief Bankruptcy Judge

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FOR THE DISTRICT OF ARIZONA

IN THE UNITED STATES BANKRUPTCY COURT

In re:) Chapter 7
GEORGE W KIMBLE and PATRIC ANDERSON KIMBLE,	IA J No. 4:09-bk-33058-JMM
Debtors.) Adversary No. 4:11-ap-00344-JMM
	MEMORANDUM DECISION
DONNA KIMBLE,) (Further Briefing Required)
Plaintiff vs.	
GEORGE W KIMBLE and PATRIC ANDERSON KIMBLE,	IA J)
Defenda	nts.)

On February 17, 2011, Donna Kimble, the ex-wife of George W. Kimble, filed a complaint to determine the dischargeability of certain debts arising out of their failed marriage.

In this action, she seeks to have an domestic support obligation declared to be non-dischargeable. She also seeks a determination that the obligation is entitled to priority status.

The court has now reviewed the entire file, as well as the law cited by the parties, and feels that it needs more briefing.

Section 523(a)(5) specifies that a "domestic support obligation" is non-dischargeable.

The term, "domestic support obligation" ("DSO"), is defined in 11 U.S.C. \S 101(14A).

It "means a debt . . . that is . . . owed to a former spouse, . . . or child " Section 101(14A)(A)(i).

A DSO can also be a debt "in the nature of alimony, maintenance or support." Section 101

1	(14(A)(B)). It can also be a debt created by a provision of "a separation agreement, divorce decree	
2	or property settlement agreement," or by "an order of a court of record." Section 101(14A)(C)(i)	
3	(ii).	
4	The question to the parties is: "Why doesn't the document at issue here fall into one	
5	of the categories other than "in the nature of" types, as argued exclusively by Debtor's counsel. I	
6	it does, isn't it, by definition, non-dischargeable?	
7	This expansion of the definition, in the 2005 BAPCPA legislation, seemed to put a	
8	end to the prior Code's disputes involving whether a debt was, or was not, "in the nature of alimony	
9	etc."	
10	Simultaneous briefs are due within ten (10) days.	
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12	DATED AND SIGNED ABOVE.	
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14	To be NOTICED by the BNC ("Bankruptcy Noticing Center") to	
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16	All parties to this adversary proceeding	
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